

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 9:24-cr-80062-MIDDLEBROOKS

UNITED STATES OF AMERICA

Plaintiff,

vs.

ANTHONY RAUL DEL VALLE,

Defendant.

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**MOTION FOR VARIANCE**

The Defendant, ANTHONY RAUL DEL VALLE, by and through his undersigned attorney, respectfully moves this Honorable Court to consider all the factors enumerated in 18 U.S.C. 3553(a), and impose a sentence sufficient, but not greater than needed to accomplish just punishment for this Defendant based on the circumstances of this case. As grounds in support of his request for a variance, the Defendant states:

1. Pursuant to 18 U.S.C. 3553(a)(1), the Court shall consider the nature and circumstances of the offense and the history and characteristics of the Defendant and “impose a sentence that is sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph 2”. The Defendant’s PSR has calculated the Defendant’s criminal history category to be at a level I because he has no criminal history points. However, the Defendant is asking the Court to take into account a major event that changed the Defendant’s path in life.

2. In 2020, the Defendant injured his back in a work related accident. The Defendant was working for the Drainage District on a boat on the canal that runs under the Turnpike in Boynton Beach. A tractor-trailer crashed, fell off the Turnpike into the canal, and onto the boat that the Defendant was on. The Defendant, with no regard to his own safety, dove into the water and dragged the driver of the truck to the shore. Unfortunately, after performing CPR, the driver of the truck passed away from his injuries. The Defendant then noticed that the driver of one of the vehicles involved in the accident was on fire. There was a young lady in the driver's seat, but the flames were too hot, and the Defendant could not save her.

The Defendant, at first, thought that he was both physically and mentally okay. However, he subsequently was diagnosed with a labral tear in his left hip. The tear in his hip was severe enough to require surgery. The recovery period was approximately 3 months. During this recovery period, the Defendant was introduced to pain medication. In addition, during this recovery period, the Defendant experienced flash backs to the accident and his failed attempts at trying to save these two people in this tragic accident. This caused the Defendant to start drinking and using drugs to attempt to cope with this tragedy. The Defendant was eventually awarded a Citizen Heroism Award for his actions on July 22, 2021. See attached. Unfortunately, the emotional scars were too much to overcome which has led the Defendant to his current situation.

3. It is clear from the PSR that the Defendant was clearly addicted to drugs. The PSR mentions that when the Defendant was first arrested and detained in the Palm Beach County Jail that he went through Detox. The Defendant is now aware that he needs to learn how to better cope with both physical and emotional pain and not turn to drugs and alcohol in an attempt to solve the problem.

4. In this case, Mr. Del Valle respectfully requests that this Honorable Court to consider all the factors argued above in deciding an appropriate sentence.

WHEREFORE, the Defendant, ANTHONY RAUL DEL VALLE respectfully requests this Honorable Court to grant this Variance for the reasons stated herein.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed via electronic filing using the CM/ECF system with the Clerk of Court which sent an e-mail notification of such filing to all CM/ECF participants in the above styled case this 28<sup>th</sup> day of January, 2025.

Respectfully submitted,

GLENN H. MITCHELL, ESQ.  
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*/s/ Glenn H. Mitchell*

By: \_\_\_\_\_  
GLENN H. MITCHELL, ESQ.  
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